

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF PUERTO RICO**

3
4 UNITED STATES OF AMERICA
 Plaintiff

5 v.

6 RAYMOND R. ROSSINI
7 Defendant

CRIMINAL NO. 05-82(JAG)

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9 **REPORT AND RECOMMENDATION**

10 On this date defendant appeared before the undersigned to plea guilty to Counts I and of the
11 indictment charging him with violating 18 U.S.C. §§ 1709 and 922(j). Defendant was represented
12 by AFPD Juan F. Matos De Juan. The government was represented by AUSA Edwin O Vázquez
13 Berríos. The parties duly executed a consent form permitting the undersigned to take defendant's
14 plea, which has been filed in Court. Defendant entered a straight plea as to both counts.

15 Upon observing defendant throughout the proceeding, as well as listening to his answers to
16 the multiple questions posed by the Court, the undersigned finds him competent to enter a knowing
17 and voluntary plea.¹ More so, defendant acknowledged he was not coerced nor intimidated into
18 entering the plea. Defendant was advised at the hearing of the minimum and maximum statutory
19 penalties and fines he faces. Defendant was also advised that the sentencing Judge is not bound by
20 the Sentencing Guidelines, which are advisory in nature. The undersigned also advised defendant
21 of the constitutional rights he waives by entering a guilty plea.

22 Upon inquiry by the Court, defendant accepted all the elements of the offense outlined in
23 Counts I and II of the indictment and that he acted knowingly and intentionally during the
24 commission of the offenses.

25 It is thus recommended by the undersigned that defendant's guilty plea be accepted, and

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27 ¹The defendant advised the Court that he is currently taking medication due to a motorcycle
28 accident which has left his leg severely damaged. Also defendant informed he has been treated as
an in-patient, and presently is treated as an out-patient for substance abuse. At the time of the
change of plea, however, he was not under the effects of any drug.

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2 sentence be imposed upon him accordingly.

3 This report and recommendation is issued pursuant to 28 U.S.C. § 636 and Local Rule 72(d).

4 **SO RECOMMENDED.**

5 In San Juan, Puerto Rico, this 6th of June, 2005

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8 */s/ Gustavo A. Gelpi*

9 **GUSTAVO A. GELPI**
10 United States Magistrate-Judge
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